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Filed: July 17, 2004 Docket No. PA0863.ap.US
Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being sent by first class mail with First Class postage prepaid to the US Postal Service in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 9 October 2008.

Mark A. Litman
Name


Signature

AMENDMENT TO NON- FINAL OFFICE ACTION

MAIL STOP: AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This Amendment is being filed in response to the **NON-FINAL** Office Action mailed 9 July 2008 with a three-month statutory date of 9 October 2008, without extensions, for response to the Office Action.

The U.S. Patent and Trademark Office is authorized to debit Attorney's Deposit Account No, 50-1391 for any fees or charges or costs associated with this Amendment and into which any overpayments may be credited.

SUMMARY OF THE OFFICE ACTION

1. There is an objection to Figures 9 and 10 regarding numbering of elements in the Figures and an objection to the specification based on the same numbering in the same figures.
2. Claims 1, 30, 43 and 48 have been rejected under 35 U.S.C. 112, second paragraph as vague and indefinite with respect to the term “at least to the top surface” and “proximate the gaming table surface” and “above the top surface” of the device.
3. Claims 1, 3-13, 22-29, 30-43, 45-48 and 50-55 have been rejected under 35 USC 103(a) as unpatentable over Johnson (U.S. Patent No. 6,267,248, hereinafter Johnson '248) in view of U.S. Patent No. 6,250,632 (Albrecht) and further in view of U.S. Patent No. 5,683,085 (Johnson '085).
4. Claims 14-21 and 26-28 have been rejected under 35 USC 103(a) as unpatentable over Johnson '248 in view of Albrecht and further in view of Johnson '085 when further considered with Purton et al. (International Patent Application Publication WO 00/51076).
5. Claims 2, 44 and 49 have been rejected under 35 USC 103(a) as unpatentable over Johnson '248 in view of Albrecht and further in view of Johnson '085 and further in view of US Patent No. 5,240,140 (Huen).

ARGUMENTS IN RESPONSE TO THE ISSUES IN THE OFFICE ACTION

1. Objections to the number content of Figures 9 and 10 have been raised, with specific elements of the Figures described in the specification asserted to be absent from the Figures.

The description of the figures in the specification is and was as:

“Figure 9 shows a side cutaway view of one embodiment of a shuffling apparatus with card-reading camera available.

Figure 10 shows a top cutaway view of one embodiment of a shuffling apparatus with card-reading camera available.”

First, these figures have not been objected to separately, but only because of the failure to appreciate the relationship between the two figures. First, the statements in the specification do not state or require that the top view and the side view be of the **same embodiment**. Each figure is of “one embodiment,” which does not have to be the same one embodiment. As each figure is in itself acceptable, the objection is in error and must be withdrawn.

Furthermore as the descriptions are as “cutaways” and not as sections, only an opened view from a perspective of each of the “one embodiments” is being shown. In a cutaway, internal portions may be (and here are) masked by the presence of other features in the device. It is therefore not always possible to show every element of one perspective in every other view of another perspective in a cutaway.

The Figures are individually and collectively correct for each of these reasons.

In spite of the fundamental and underlying error in the PTO position, Applicants have amended the Figures and Specification to comply with the Objections. The Replacement Sheets are attached hereto.

2. Claims 1, 3-13, 22-29, 30-43, 45-48 and 50-55 have been rejected under 35 USC 103(a) as unpatentable over Johnson (U.S. Patent No. 6,267,248, hereinafter Johnson ‘248) in view of U.S. Patent No. 6,250,632 (Albrecht) and further in view of U.S. Patent No. 5,683,085 (Johnson ‘085). As is always the situation where a single reference has been cited under 35 USC 103(a) against claims of an application, it is essential to compare the actual limitations of the claims and the actual teachings of the cited

references in the order in which they were combined. In the present case, this analysis will begin with the independent claims that have been rejected under this statutory provision in view of Johnson '248..

CLAIM 1	JOHNSON '248 DISCLOSURE	COMMENTS
A device for forming a random set of playing cards comprising: a top surface and a bottom surface of said device;		This function of a device is disclosed by Johnson.
a single card receiving area for receiving an initial set of playing cards <u>with access to the single card receiving area at the top surface;</u>	"...holding means 12..."	
a randomizing system for randomizing the order of an initial set of playing cards;		This function can be provided by Johnson.
a single card collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area, the collection surface receiving cards so that all cards are received below the top surface of the device <u>with access to the card collection surface being from the same top surface as the single card receiving area;</u>	Johnson provides multiple collection surfaces (the compartments 24) for receiving cards one-at-time.	
<u>the device moving individual playing cards one at a time directly to the single card collection surface;</u>		
an image capture device that reads the rank and suit of each card before being received on the card collection surface;		Johnson discloses card reading before deposit into the carousel on column 5, lines 7-11.
an elevator for raising the single card collection surface so that at least some randomized cards are elevated for removal from the top surface of the device; and		There is no elevator raising the collection surface so that randomized cards are elevated at least to the top surface. Cards in Johnson always

		remain below the top surface, with at least shroud 25 existing between cards and the top of the device.
a moveable cover over the elevator <u>and fixed along one edge</u> of the cover to the top surface.		As there is no elevator, there can be no moveable cover over the elevator.

As should be readily seen, the Office action acknowledges the presence of limitations in even the previous claims that Johnson does not disclose in claim 1 and all claims dependent therefrom. This rejection, with respect to claim 1 and all claims dependent therefrom is clearly in error.

The new limitations added to Claim 1 clearly establishes novelty and unobviousness over each of the three references and the combination of the three references (Johnson '248, Albrecht and Johnson '085) in at least the following ways.

A) The limitations of:

“...a housing capable of being mounted flush with [[int]] a gaming table surface; a card receiver for accepting a group of cards to be shuffled by insertion of cards from an opening level with the gaming table surface;...”

This limitation requires the opening to the card receiver to be level (near the plane of) the gaming table surface, while the housing is mounted flush with the gaming table surface. No physical playing card shuffler shows any shuffler mounted flush with a gaming table surface, and no reference shows the opening to the card receiver being level with (near the plane of) the gaming table surface. This limitation clearly establishes unobviousness over the combination of three references.

B) The limitations of:

“...a single card collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area, the collection surface receiving cards so that all cards are received below the top surface of the device with access to the card collection surface being from the same top surface as the single card receiving area;...”

Johnson '248 and Albrecht have multiple playing card receiving surfaces (each of the compartments in Johnson '249 carousel, and each of the chambers 30 and 32 in Albrecht). None of ythe three references teach:

“...access to the card collection surface being from the same top surface as the single card receiving area”

The card insert area of Johnson '248 is at a much higher level than the discharge tray. The card insert area of Albrecht is much lower than the level at which the card collection surface (36) must be raised for card removal. The card collection surface of Johnson '085 is well below the card insert area, and the cards are then transported to a delivery chute almost directly below the card insert area. This configuration of the card insert area and the opening to the card collection surface being near the same plane, and (by reason of earlier limitations) being flush with the playing card surface establishes unobviousness over the combination of the three references.

C) The limitation of:

“...the device moving individual playing cards one at a time directly to the single card collection surface:...”

Both Johnson '248 and Albrecht move cards first into compartments (the carousel of Johnson or stacked array of Johnson and the compartments 30 and 32 of Albrecht. Johnson '085 moves card directly, without an intervening set of compartments over a single card collection area, but then must remove cards from the card collection area by pick-off rollers which direct one card at a time to the delivery chute. This fact is distinguished in the immediately following limitations of claim 1.

D) The immediately following limitations of:

“...an elevator for raising the single card collection surface so that at least some randomized cards are elevated for removal from the top surface of the device; and a moveable cover over the elevator and fixed along one edge of the cover to the top surface.”

Johnson '085 does not have an elevator that raises randomized cards for removal, nor does the carousel of Johnson '248 raise cards. Both Johnson references use delivery chutes with cards fed into the delivery chutes. Albrecht does have an elevator (**but no moveable cover thereon, and no moveable hinged cover**) that raises cards to the top for removal, but that top of the device is not level with the gaming table surface. Each of these limitations establishes unobviousness over the combination of all three references. One would have to combine teachings of the reference to the detriment of some of the references solely to move in a technical direction towards these limitations, yet never be able to establish those limitations based on the teaching of the references themselves.

A good example of this deficiency in the combination can be found in the disclosure cited by the Examiner that Albrecht desires a compact device. The device of Albrecht is not particularly compact because of the nature of the design in which an elevator is used. The device must have two adjacent shafts from top to bottom, increasing the width. But more importantly, the shuffling mechanism itself requires the vertical array of compartments (30 and 32) and the card collection tray below that. To minimize the height of the shaft 88, Albrecht must use few chambers in the compartments (30 and 32). This reduces the randomization effect of the shuffler significantly, as only that number of cards as there are chambers can be randomized at one time, as cards are fed from their previous order in the input area of cards. This is a highly deficient system, unless large numbers of chambers are used. However, as more and more chambers are used, the height of the compartments (30 and 32) increases, and the height of the shaft below the compartments (30 and 32) down to the collection surface 36 must also increase.

The problem with the proposed combination wherein the elevator of Albrecht is proposed to replace the carousel of Johnson '248 is that the Johnson '248 carousel is highly compact, with only slightly more than two card lengths (the diameter of the carousel) in height needed for randomization as there are many compartments. Therefore, placing the space inefficient elevators of Albrecht into the carousel shuffler of Johnson '248 would either significantly reduce randomization effectiveness (the goal of the device) or increase the size of the shuffler, contrary to the teachings of Albrecht. That combination is not obvious based on the teachings of the references.

Additionally, the use of the Johnson '085 system in an elevator system such as Albrecht is neither obvious nor structurally insignificant. The Johnson '085 shuffler is complex enough, with the

grippers lifting sections of sets of cards to insert cards, but then adding an elevator to the bottom of the collection surface (rather than directly picking them off as done by Johnson '085) adds significant technical complexity to the device, adding an elevator in the same vertical region of the shuffler where there are already grippers and lifting devices. Prospectively this is a complex route to move, even if Applicants achieved it.

There are at least three distinct limitations in the claims that are not taught by Johnson '248:

- a. An elevator;
- b. Raising cards to be accessed at the gaming table surface;
- c. Having the card insertion opening and the card removal opening near the plane of the gaming table surface; and
- d. A cover over the elevator that is hinged over the elevator.

Although Albrecht may shows some of the elevator features (**but no cover features**), those features from Albrecht can neither be logically combined with the structure of Johnson '248, as described above. Those references prospectively can not be combined from an engineering standpoint while retaining the objectives (compactness) and some functions of the underlying structures. The proposed combination would so radically alter functions and structures without the goals desired by the references and without motivation for the combination of structural elements.

Within the volumes of quoted text from the references on pages 6-11 of the Office Action, the assertion of obviousnesness is stated as follows:

- 1) "Albrecht suggests that a single shuffling device is needed that is compact and requires little skill or training of its user for operation and access to shuffled cards (column 4, lines 27-34, Albrecht)"
- 2) Johnson '248 suggests that that a rotatable card mixing magazine may be substituted by a vertical card mixing magazine so as to accommodate an [*sic*, a] vertically displaceable card surface (column 5, lines 25-31, Johnson '248).

The quote from Johnson '248 is incomplete and leaves out a fundamental element in the quote that essentially destroys the basis for the combination being asserted as teaching the claim limitations to be obvious. The actual full quotation is:

"The rotatable magazine 20 may be substituted by a vertically displaceable magazine or any other storage device having a plurality of storage spaces to receive individual cards. Similarly for other applications the holding means 12 and feeding means 14 may be replaced by a rotary turntable having a selectively actuatable finger guide to remove articles from the turntable." (emphasis added)

Note that the equivalent systems of the cited Johnson '248 reference have separate compartments for receiving individual playing cards. Quite differently, however, the limitation of claim 1 (for example) is that there is :

"...a collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area, the collection surface receiving cards so that all cards are received below the top surface of the device; ...an elevator for raising the collection surface so that at least some randomized cards are elevated at least to the top surface of the device; and.../"

Johnson '248 absolutely requires a storage device having multiple compartments. Without the multiple compartments, there can be no shuffling effected by Johnson '248. Albrecht similarly requires multiple compartments (multiple intermediate collection surface (32 and 30) to effect randomization.

It is clearly non-obvious to combine the teachings of Johnson '248 with Albrecht to provide only a single card collection surface in which cards are moved **DIRECTLY from the card input area to the card collection area.**

It is long-standing Patent Law doctrine that "...one skilled in the art would not modify the device...to make it unsuitable for its intended purpose." (*Ex parte Rosenfeld*, (PTO Board of Patent Appeals, 1959), 130 U.S.P.Q. 113). In this case, the substitution of the elevator of Albrecht without direct movement of cards from the card input area onto the card collection surface in the shuffler of Johnson '248.

to replace the carousel or stacked array of compartments in Johnson '248 would destroy the ability of the Johnson '248 device to shuffle and the ability of Albrecht to shuffle. That is an impossible combination under 35 U.S.C. 103(a).

The function of the Johnson '085 shuffler must be appreciated to see how that structure does not teach the technology claimed herein. Although that reference teaches a card collection chamber over which cards are raised and lowered in groups, and in which cards are separated into separate sets for intermediate placement of single cards, the collection surface is rigid, immovable and does not move in any direction. It is especially not elevated for removal of playing cards. Cards are removed from the bottom of the set of cards on the collection surface by nip rollers 29 and 30 to exit the delivery end 43 of the shuffler. There is no elevation of the card collection surface to assist manual removal of playing cards at the top of the device and there is no moveable cover over the card collection surface or any other structure in Johnson '085.

It is further to be noted that the elevator shaft of Johnson '085 is stationary (the bottom card collection surface DOES NOT MOVE) and the grippers move up and down adjacent the shaft. The card collection surface does not move.

It is to be further and critically noted that neither Johnson '248, Albrecht or Johnson '085 shows the moveable cover element recited in claim 1 (and all claims dependent therefrom, and in claims 30 and 35). On this basis alone, claim 1 (and all claims dependent therefrom, and claims 30 and 35 must be considered unobvious and patentable. The addition of the earlier Johnson '085 reference adds nothing to the combination of references that overcomes the absolute and critical failure of the combination of Johnson '248 and Albrecht that must destroy shuffling capability if combined in the manner proposed by the rejection.

The following claim chart will illustrate why the rejection under 35 USC 103(a) is in error with respect to claim 23. This rejection must fail.

CLAIM 23	JOHNSON	COMMENTS
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A device for forming a random set of playing cards comprising: a top surface and a bottom surface of said device;		This function of a device is disclosed by Johnson.
a receiving area for an initial set of playing cards	"...holding means 12..."	All physical apparatus have a nominative top and bottom.
a randomizing system for randomizing initial set of playing cards;		This function can be provided by Johnson.
a single card collection surface in a card collection area for receiving randomized playing cards;	Johnson provides multiple collection surfaces (the compartments 24) for receiving cards one-at-time.	
<u>the randomizing system moving cards directly from the receiving area to place individual playing cards into a set of randomized cards on the card collection surface;</u>	Again, only Johnson '085 shows direct movement from the receiving area to a card collection surface. But in Johnson '085, that card collection surface is fixed and immobile .	As shown above with respect to claim 1, the engineering complexity of attempting to integrate three such vastly different functional shuffling mechanisms is itself evidence of unobviousness.
an elevator for raising the collection surface within the card collection area;		There is no elevator raising the collection surface so that randomized cards are elevated at least to the top surface. Cards in Johnson '248 and '085 always remain below the top surface, with at least shroud 25 existing between cards and the top of the device.
at least one card supporting element within the card collection area that will support a predetermined number of cards within the card collection area; and		There is no card supporting element in any card collecting area of Johnson -248 that supports a predetermined number of cards, and the failure of Johnson '085 in regard to the grasping feature or gripping arm feature discussed above.
an image capture system that can read at least the rank of each at least one card before it is inserted into a set of cards at a position		Johnson discloses card reading before deposit into the carousel on column 5, lines 7-11.

below the predetermined number of cards.		
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As should be readily seen, Johnson '248 has been admitted to lack teachings of elements of claim 23. As the additional two references of Albrecht and Johnson '085 cannot be logically combined to teach and overcome these differences, the rejection must fail.. This rejection, with respect to claim 23 and all claims dependent therefrom is clearly in error.

The additional limitations establish unobviousness over the combination of the three references, as discussed above with respect to claims 1, 23 and 37.

Applicants feel compelled to note that the fact that the shuffling mechanisms of the three references are so vastly different, they cannot be so gratuitously combined as is done in these rejections. Even though their objective is a unifying shuffling operation, the underlying structures and mechanisms are so vastly different in an engineering sense that the picking and choosing of the diverse elements for combination is like an attempt to create a fantastical animal, with organs and pieces from diverse animals that do not prospectively fit together in a simple or logical step. The attempt to select diverse components from a carousel shuffler (Johnson '248), a momentum evacuation of chambers with gravity drop (Albrecht), and a grip and lift with bottom of the set pick off rollers (Johnson '085) is such a fantastic creature that has no logical prospective intent than to meet the limitations of the present claims.

The following claim chart will illustrate why the rejection under 35 USC 103(a) is in error with respect to claim 30. This rejection must fail as claim 30 contains the following limitations which have already been discussed and distinguished with respect to claims 1 and 23:

"...directly from the single card receiving area, the collection surface receiving cards so that all cards are received below the top surface of the device;

an image capture device that reads the rank and suit of each card after it has begun leaving the single card receiving area and before being received on the card collection surface;

an elevator for raising the collection surface so that at least some randomized cards are elevated for manual removal of playing cards from the top surface of the device; and a moveable cover over the elevator and fixed along one edge of the cover to the top surface.

This claim is unobvious because of at least those limitations.

This claim also recites the presence of a moveable cover, an element that is not shown by any reference in the combination. On this basis alone, the claims must be considered further and independently novel and unobvious.

The following claim chart will illustrate why the rejection under 35 USC 103(a) is in error with respect to claim 37. This rejection must fail.

CLAIM 37	JOHNSON	COMMENTS
A method of randomizing a group of cards, comprising the steps of: placing a group of cards to be randomized into a card in-feed tray;	Disclosed by Johnson.	
removing cards individually from the card in-feed tray and delivering the cards into	Cards are moved individually.	
a card collection area, the card collection area having a moveable lower surface, and a stationary opening for receiving cards from the in-feed tray;		Johnson has multiple compartments, not a card collection area with a stationary opening. The openings for all carousel compartments move with the rotation.
elevating the moveable lower surface to a randomly determined height;		Johnson rotates compartments to angular positions, the height being insignificant.
grasping at least one edge of a group of cards in the card collection area at a point just above the stationary opening;	Johnson '248 and Albrecht never grip edges of cards. Even the rollers grip faces of cards.	As noted above, Johnson '085 grips individual sets of cards for insertion of cards, but never elevates cards for removal and removes cards from the bottom of

lowering the moveable lower surface to create an opening in a stack of cards formed on the lower surface, the opening located just beneath a lowermost point where the cards are grasped;	Johnson '248 and Albrecht never lowers the moveable surfaces to create an opening, and cannot create an opening between cards.	the card collection surface. As noted above, Johnson '085 grips individual sets of cards for insertion of cards, but never elevates cards for removal and removes cards from the bottom of the card collection surface.
inserting a card removed from the in-feed tray into the opening;	As Johnson '248 does not have this "opening" (the stationary opening), this step cannot be performed.	As noted above, Johnson '085 grips individual sets of cards for insertion of cards, but never elevates cards for removal and removes cards from the bottom of the card collection surface.
<u>after randomizing all cards, elevating a collection of randomized cards seated on the single moveable card collection surface so that the randomized cards may be manually removed from a top of the playing card randomizing device; and</u>	There is no elevation of a collection of randomized cards, but rotation of those cards.	This step is never performed by Johnson '248 or Johnson '085, and the elevation of a complete set by a system such as Albrecht would require use of a system in Johnson '248 and Johnson '085 that would disable their ability to randomize (shuffle) playing cards.
Reading at least the rank of each card after it is individually removed from the card in-feed tray and before it has been inserted into the opening.	Although Johnson '248 reads cards, there is no opening for them to be passed through as recited in the claims.	Johnson '085 has an opening into which cards are inserted, but there is no motivation in these references to read cards as they are being inserted into random positions.

The additional limitations establish unobviousness over the combination of the three references, as discussed above with respect to claims 1, 23 and 37.

Again, Applicants feel compelled to note that the fact that the shuffling mechanisms of the three references are so vastly different, they cannot be so gratuitously combined as is done in these rejections. Even though their objective is a unifying shuffling operation, the underlying structures and mechanisms are so vastly different in an engineering sense that the picking and choosing of the diverse elements for combination is like an attempt to create a fantastical animal, with organs and pieces from diverse animals that do not prospectively fit together in a simple or logical step. The attempt to select diverse components

from a carousel shuffler (Johnson '248), a momentum evacuation of chambers with gravity drop (Albrecht), and a grip and lift with bottom of the set pick off rollers (Johnson '085) is such a fantastic creature that has no logical prospective intent than to meet the limitations of the present claims.

The following analysis will illustrate why the rejection under 35 USC 103(a) is in error with respect to claim 43. This rejection must fail for the same reasons as these limitations added to the claims establish unobviousness with respect to claims 1, 23, 30 and 27 as argued above.

“...a card receiver for accepting a group of cards to be shuffled by insertion of cards from an opening level with the gaming table surface;
a randomizing system for randomizing the order of an initial set of playing cards;
a single collection surface for receiving all randomized cards;
an elevator for raising the single collection surface to an elevation wherein all randomized cards may be manually removed through the gaming table surface;
a moveable cover hinged along one edge of the cover and moveable above the elevator;
and...”

The following claim chart will illustrate why the rejection under 35 USC 103(a) is in error with respect to claim 45. This rejection must fail for the reasons described in the previous response that no reference of record describes a remote control for the operation of the shuffling device. All of the references are manually directed by a dealer physically in contact with the shufflers, and no device has any remote controls.

Each of the remaining independent claims has been clearly shown to be unobvious over the combination of the three references cited in this rejection. The rejection is in error and must be withdrawn.

3. Claims 14-21 and 26-28 have been rejected under 35 USC 103(a) as unpatentable over Johnson '248 in view of Albrecht and further in view of Johnson '085 when further considered with Purton et al. (International Patent Application Publication WO 00/51076).

Each of these claims is dependent claims from the claims rejected in paragraph 2. The additional Purton reference does not teach the limitations that were the basis for establishing Novelty under 35 USC 102(b) and unobviousness under 35 USC 103(a) in arguments presented in paragraph 2 and there is no basis for asserting those limitations to be obvious from the individual or combined teachings of these references. The rejection must fail for at least that reason, even without conceding that Albrecht does or does not teach the limitations for which it has been cited.

Claims 12-13, for example, address fine control of the collection surface on the elevator position. The elevator shaft of Johnson '085 is stationary and the grippers move up and down adjacent the shaft. The card collection surface does not move.

4. Claims 2, 44 and 49 have been rejected under 35 USC 103(a) as unpatentable over Johnson '248 in view of Albrecht and further in view of Johnson '085 and further in view of US Patent No. 5,240,140 (Huen).

Each of these claims is dependent claims from the claims rejected in paragraph 3. The additional Huen reference does not teach the limitations that were the basis for establishing unobviousness under 35 USC 103(a) above and there is no basis for asserting those limitations to be obvious from the individual or combined teachings of these references. The rejection must fail for at least that reason, even without conceding that Johnson II does or does not teach the limitations for which it has been cited.

It must be noted that the rejection of record slips back and forth from one technology to another, ignoring previous statements, even though these claims are dependent from earlier rejected claims. In one rejection, elevators of Albrecht replace carousels of Johnson '248, and then elements essential to the elevator structures are asserted to be obvious in the carousel structure of Johnson '248, even though the carousels have been replaced according to earlier teachings.

The rejection cites many lines of text from the references, as if the volume of citations proves a point. In fact, the volume of citations, without focusing on specific disclosure therein merely complicates the rejection, confuses issues, and obfuscates any underlying content of the rejection.

4. Claims 1, 30, 43 and 48 have been rejected under 35 U.S.C. 112, second paragraph as vague and indefinite with respect to the term "at least to the top surface" and "proximate the gaming table surface" and "above the top surface" of the device.

This rejection is in error without any amendment to the claims. One skilled in the art would be immediately and completely cognizant of the metes and bounds of these descriptions. The top of the device is the top of the device. The gaming table surface is the gaming table surface. There is no possibility for one skilled in the art to confuse these terms or their locations. These are two different terms, the top of the device and the gaming table surface. It is impossible to see how there can be confusion added by Figure 1, which does not show the gaming table surface. The specification absolutely and clearly states that 4 is the top surface of the device. The elements 20 and 21 are beveled edges of recesses (page 35, lines 21-13). These will be approximately the same level as the flat top surface of the device. This rejection is in error.